

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DA No. 1661/93

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New Delhi this the 10th day of July, 1997

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Naresh Chandra Garg,
s/o late Shri Siv Charan Das
R/O III 291-A, Nehru Nagar,
Ghaziabad(UP) employed as
Refrigerator Mechanic in Garrison
Engineer-in-Sough (Air Force) Palam
Military Engineers Services, at Delhi Cantt.

(None for the applicant)

... Applicant

Vs.

1. Union of India through the Secretary to the Govt. of India, M/o Defence, New Delhi.
2. Chief Engineer, Western Command C.S.D. Command Building, 3rd Floor, Chandimandir (Military Engineers Services Department)
3. Chief Engineer, Northern Command C/O 56, A.P.O. Military Engineers Services Department)

... Respondents

(By Advocate Shri M.K. Gupta)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

The applicant impugns the respondents order dated 6.6.91 (Ann.G) communicated the decision not to appoint him as Supdt. E/M Grade-II or equivalent post.

2. His case is that he was interviewed by respondents for the post of Supdt. E/M Grade-II on 19.5.81 as a departmental candidate and was included in the panel of selected candidates vide order dated 16.12.1981 (Ann.A.1). He was again interviewed by respondents for the post of Supdt. B/R Grade.II on 23.4.83 and was again selected for appointment, but no appointment letter has been issued to him.
3. None appeared for the applicant when the case was called out, even on the second call. Shri Gupta appears for the respondents and has been heard.

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4. As this is an old case and we, therefore, proceed to dispose of it after hearing the respondents counsel Shri Gupta and perusing the material on records.

5. Shri Gupta has invited our attention to the respondents letter dated 20.7.1976(Ann.R.1), wherein the upper age limit for direct recruitment in Group C & D posts has been made relaxable upto the age of 35 years.

6. It is not disputed that applicants's date of birth is 15.8.45. It is also not disputed that applicant applied for the aforesaid posts as a direct recruit departmental candidate. Under the circumstances applicant was overaged for the aforesaid posts on 19.5.81 and it is for these reason that respondents did not issue him the appointment letter.

7. The fact that applicant was selected for the posts in question does not give him an enforceable legal right to be appointed against that posts on regular basis when he was clearly overaged for these posts as per rules/instructions.

8. Applicant has sought to rely on the respondents letter dated 26.11.1984 which refers to the appointment of Scientific and Technical person of upto the age of 45 years, but the post to which he has applied is neither Scientific nor a technical post.

9. Under the circumstances, we find no good grounds to grant any relief to the applicant as prayed for.

10. The OA is dismissed. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

S. R. Adige
(S. R. Adige)
Member (A)

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